

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ERICA ROBERTS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BILLIE JO ROBERTS,

Respondent-Appellant.

UNPUBLISHED

June 7, 2007

No. 274756

Midland Circuit Court

Family Division

LC No. 05-002475-NA

Before: Fitzgerald, P.J., and Sawyer and O'Connell, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding sufficient evidence to support the statutory grounds for termination. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The record shows that, although respondent was in partial compliance with the parent/agency agreement, she had failed to demonstrate any benefit from the services. See *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005). Respondent attended only three counseling sessions and did not benefit from them. She had serious emotional and developmental problems. She had no stable home and no income. Respondent was not prepared to provide care and custody for the child, who had serious emotional problems that required constant attention by a caregiver. There was no reasonable likelihood that respondent would be able to address these needs within a reasonable time. In addition, there was sufficient evidence to conclude that the minor child would be harmed if returned to respondent's care. Under respondent's care, the child had been seriously neglected and emotionally damaged. The child was removed at the age of four after her older brother complained that a grown brother of respondent's boyfriend had sexually assaulted him. Even after her son's initial complaint about the man's conduct, respondent allowed the man to sleep in the same hotel room with the boy unsupervised. At the time she was taken into foster care, the four-year-old's teeth had rotted to the gums. Respondent had a long history of neglect, drug abuse and homelessness, and she had previously left the child in a car overnight. During the proceedings, respondent did not demonstrate any emotional growth or understanding of how to care for this special-needs child, and she continued to maintain an

intimate relationship with a man who had a history of sexual abuse. In short, the facts completely support the trial court's ruling that petitioner proved the statutory grounds for termination with clear and convincing evidence. MCR 712A.19b(3).

On the basis of the entire record, the trial court did not clearly err in finding that terminating respondent's parental rights would not contravene the child's best interests. MCR 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent's interaction with the minor child at visitation started poorly and never improved, and there was no discernible bond between respondent and the minor child. Further, respondent plainly could not provide for the child's special needs. Therefore, the trial court did not clearly err by finding that termination of respondent's parental rights was not clearly contrary to the child's best interests. MCR 712A.19b(5).

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ David H. Sawyer

/s/ Peter D. O'Connell